

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff,

Plaintiff,

v.

MALCOLM SAGE and LYNNE FLORIO,

Defendants.

Adv. Pro. No. 23-01099 (CGM)

**ORDER DENYING IN PART AND GRANTING IN PART
DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

Defendants Malcolm Sage and Lynne Florio (collectively, the “Defendants”) filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) and Bankruptcy Rule 7012 (the “Motion to Dismiss,” ECF No. 26) the complaint filed against them by plaintiff Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–*lll*

and the substantively consolidated chapter 7 estate of Bernard L. Madoff (the “Complaint,” ECF No. 1).

On August 16, 2023, the Trustee filed his memorandum of law in opposition to the Motion to Dismiss. Opp’n, ECF No. 32. On September 13, 2023, Defendants filed their reply in further support of their Motion to Dismiss. Reply, ECF No. 35. On September 20, 2023, the Court held oral argument on the Motion to Dismiss. Hr’g Tr., ECF No. 43.

The Court has considered the Motion to Dismiss, the papers filed in support of and in opposition to the Motion to Dismiss, and the Complaint. On October 3, 2023, the Court issued a memorandum decision denying the Motion to Dismiss (the “Decision,” ECF No. 44).

Accordingly, it is hereby **ORDERED** that:

1. Pursuant to the Decision, Count Two against Defendant Lynne Florio is dismissed.
2. In all other respects, the Motion to Dismiss the Trustee’s Complaint is denied.
3. Defendants shall file their answer(s) to the Complaint within 14 days of entry of this Order as set forth in Fed. R. Bankr. P. 7012(a).